

Remarks

The Examiner's Office action mailed June 14, 2007, which restricted pending claims 1-140, has been reviewed. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

Applicants note that this application has already been under substantive examination. An office action was issued July 19, 2006, which rejected pending claims 1-140. Applicants filed a response to that Office action on January 19, 2007. A new Examiner was assigned to the application and issued the Restriction Requirement on June 14, 2007.

Applicants traverse the restriction requirement. Applicants believe it is not proper for the Examiner to restrict the claims in this application since substantive examination has begun. MPEP 811 states "Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required." While MPEP 811 allows the Examiner to make a restriction at any time before a final action, it cautions the Examiner to do so only when there will be a serious burden if restriction is not required. Further, the prior Examiner did not believe the claims required restriction, and the prior Examiner did not identify a different field of search for the claims. This is evidence that different fields of search are, in fact, not required, and there is no burden in prosecuting all claims. Thus, this restriction and the identified field of search appears arbitrary.

Though Applicants traverse the restriction, Applicants provisionally elect Group I, claims 1-135, for prosecution.

Based on the foregoing, it is submitted that the Applicants' invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicants' attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on
June 14, 2007.

Respectfully Submitted,

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